

Message

From: Adams, Darryl [Adams.Darryl@epa.gov]
Sent: 6/19/2020 6:38:23 PM
To: Medina, Dayana [Medina.Dayana@epa.gov]
Subject: RE: Edits needed on FRL# 10010-52-Region 6 , ...RECEIVED in OP for Approval for Signature (OEX) - 'TX RH BART FIP Reproposal' (6979)

Correct. Just send the file. Thanks.

From: Medina, Dayana <Medina.Dayana@epa.gov>
Sent: Friday, June 19, 2020 2:37 PM
To: Adams, Darryl <Adams.Darryl@epa.gov>
Subject: RE: Edits needed on FRL# 10010-52-Region 6 , ...RECEIVED in OP for Approval for Signature (OEX) - 'TX RH BART FIP Reproposal' (6979)

Darryl,

Thank you for checking on this for us. I have made all the necessary edits to the document and am assuming you don't need to see the tracked changes? If this is correct, I will go ahead and send you a clean, final version of the rule with "_admin" at the end of the file name.

Thanks,

Dayana Medina

U.S. Environmental Protection Agency, Region 6
Regional Haze and SO2 Section (ARSH)
1201 Elm Street, Suite 500
Dallas, Texas 75270-2102
214-665-7241

From: Adams, Darryl <Adams.Darryl@epa.gov>
Sent: Friday, June 19, 2020 1:01 PM
To: Medina, Dayana <Medina.Dayana@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Young, Carl <young.carl@epa.gov>
Cc: Schramm, Daniel <Schramm.Daniel@epa.gov>; Lifland, David <Lifland.David@epa.gov>
Subject: RE: Edits needed on FRL# 10010-52-Region 6 , ...RECEIVED in OP for Approval for Signature (OEX) - 'TX RH BART FIP Reproposal' (6979)

Hi,
Yes we need to have all edits made before the administrator signs. So please work with OAR to finalize the Insert citation placeholder. The final_admin version needs to be complete.
Darryl

From: Adams, Darryl
Sent: Friday, June 19, 2020 1:39 PM
To: Medina, Dayana <Medina.Dayana@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Young, Carl <young.carl@epa.gov>
Cc: Schramm, Daniel <Schramm.Daniel@epa.gov>; Lifland, David <Lifland.David@epa.gov>
Subject: RE: Edits needed on FRL# 10010-52-Region 6 , ...RECEIVED in OP for Approval for Signature (OEX) - 'TX RH BART FIP Reproposal' (6979)

Dayana,

I'm confirming the best course of action with the denial citation. In the meantime, if you can work with OAQPS on the name that would be great.

Darryl

From: Medina, Dayana <Medina.Dayana@epa.gov>

Sent: Friday, June 19, 2020 1:21 PM

To: Feldman, Michael <Feldman.Michael@epa.gov>; Adams, Darryl <Adams.Darryl@epa.gov>; Young, Carl <young.carl@epa.gov>

Cc: Schramm, Daniel <Schramm.Daniel@epa.gov>; Lifland, David <Lifland.David@epa.gov>

Subject: RE: Edits needed on FRL# 10010-52-Region 6 , ...RECEIVED in OP for Approval for Signature (OEX) - 'TX RH BART FIP Reproposal' (6979)

I think I sent my email just as Michael was sending his. On the INSERT CITATION to DENIAL placeholders we have throughout the document, seeing as under the new process for Administrator signature we are not allowed to make any changes to the document once the Administrator signs, I'm assuming we have to insert the citation prior to his signature? If so, perhaps we can agree with OAQPS on what name/title we can use for referring to the petition denial in this final rule without using the Federal Register citation (as we won't have it until just prior to publication).

From: Feldman, Michael <Feldman.Michael@epa.gov>

Sent: Friday, June 19, 2020 12:15 PM

To: Adams, Darryl <Adams.Darryl@epa.gov>; Young, Carl <young.carl@epa.gov>; Medina, Dayana <Medina.Dayana@epa.gov>

Cc: Schramm, Daniel <Schramm.Daniel@epa.gov>; Lifland, David <Lifland.David@epa.gov>

Subject: RE: Edits needed on FRL# 10010-52-Region 6 , ...RECEIVED in OP for Approval for Signature (OEX) - 'TX RH BART FIP Reproposal' (6979)

Yes, the table on page 37 in the preamble lists the same affected sources as the table in the CFR language in the table in § 97.911(a)(1) in 40 CFR part 97 subpart FFFFF.

I have copied Dan Schramm (OGC) and David Lifland (CAMD) as the attorneys that helped draft and review this. They can confirm.

The INSERT CITATION to DENIAL is a citation to a separate HQ action denying a petition that is scheduled to be signed and publish on the same day as this final rule. We will need to coordinate with OFR to fill this in once the citation is available just prior to publication.

From: Adams, Darryl <Adams.Darryl@epa.gov>

Sent: Friday, June 19, 2020 12:05 PM

To: Feldman, Michael <Feldman.Michael@epa.gov>; Young, Carl <young.carl@epa.gov>; Medina, Dayana <Medina.Dayana@epa.gov>

Cc: Schramm, Daniel <Schramm.Daniel@epa.gov>; Lifland, David <Lifland.David@epa.gov>

Subject: RE: Edits needed on FRL# 10010-52-Region 6 , ...RECEIVED in OP for Approval for Signature (OEX) - 'TX RH BART FIP Reproposal' (6979)

Thanks Michael. This is the table on page 37, correct? If OGC confirmed, then I agree that this a rule of particular applicability. Also I just noticed that you have the phrase [INSERT CITATION TO DENIAL] on a number of pages. This will need to be filled in on the final version of the rule.

Darryl

From: Feldman, Michael <Feldman.Michael@epa.gov>

Sent: Friday, June 19, 2020 12:54 PM

To: Adams, Darryl <Adams.Darryl@epa.gov>; Young, Carl <young.carl@epa.gov>; Medina, Dayana <Medina.Dayana@epa.gov>

Cc: Schramm, Daniel <Schramm.Daniel@epa.gov>; Lifland, David <Lifland.David@epa.gov>

Subject: RE: Edits needed on FRL# 10010-52-Region 6 , ...RECEIVED in OP for Approval for Signature (OEX) - 'TX RH BART FIP Reproposal' (6979)

Darryl – This action is affirming and making some amendments to an existing rule that was finalized in Oct. 2017. The rule is of particular applicability and the individual units affected are listed in the rule (see table in § 97.911(a)(1))

Michael Feldman, PhD

Chief, SO2 and Regional Haze Section
State Planning Implementation Branch
U.S. EPA Region 6, 6-ARSH
Phone: 214-665-9793
feldman.michael@epa.gov

From: Adams, Darryl <Adams.Darryl@epa.gov>

Sent: Friday, June 19, 2020 11:43 AM

To: Young, Carl <young.carl@epa.gov>; Medina, Dayana <Medina.Dayana@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>

Subject: Edits needed on FRL# 10010-52-Region 6 , ...RECEIVED in OP for Approval for Signature (OEX) - 'TX RH BART FIP Reproposal' (6979)

Hi all,

I have one EO edit (see immediately below). I also want to confirm that the rule is a rule of particular applicability. If so, then CRA does not apply as stated in VI.D Congressional Review Act section of the rule. Did OGC make this determination? Usually such rules list the individual facilities affected. Are these facilities listed in the rule?

Finally, Stephanie Washington, one of our FR liaisons, sent FR edits on 6/10/20 (see email below and attachment) to R6 for incorporation into the rule. Please confirm that these edits were made.

When you send me back the final rule for signature please put “_admin” at the end of the file name (e.g., FRN TX RH Trading Rule Affirmation- Final Rule_date_admin.docx). This helps avoid any problems with the Administrator digitally signing the wrong rule. Let me know if you have any further questions. Thanks.

Darryl

Remove this on page 161:

VI. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Overview, Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a "significant regulatory action" under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

Insert in place of VI. A.:

VI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <http://www2.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

From: Washington, Stephanie <Washington.Stephanie@epa.gov>

Sent: Thursday, June 18, 2020 8:01 AM

To: Adams, Darryl <Adams.Darryl@epa.gov>

Subject: RE: FR Review of FRL# 10010-52-Region 6 Need edits by 6/25/20, RECEIVED in OP for Approval for Signature (OEX) - 'TX RH BART FIP Reproposal' (6979)

Darryl,

I received this pre-signature review over a week and ago and sent my edits back to the region on 6/10. FR dailies was updated and my edits were uploaded.

Thanks,

Stephanie Washington

Federal Register Editor

Regulatory Management Division,

US Environmental Protection Agency, WJC North, #3526B

Washington, DC 20460

202.564.1048

Have an IBR question? You can now contact us at EPA-IBR@epa.gov

****Many FR questions can be answered via our [intranet website](#)!**

From: Adams, Darryl <Adams.Darryl@epa.gov>

Sent: Wednesday, June 17, 2020 4:06 PM

To: Washington, Stephanie <Washington.Stephanie@epa.gov>

Subject: FR Review of FRL# 10010-52-Region 6 Need edits by 6/25/20, RECEIVED in OP for Approval for Signature (OEX) - 'TX RH BART FIP Reproposal' (6979)

Hi Stephanie,

Earlier today, I received this rule for admin signature. Though Rey handles R6, I'm going to keep this one. You're the FR reviewer for R6 I believe. OAR/R6 is requesting signature before 6/30/20. If you could have any FR edits back to me by June 25 that would be good. Thanks.

Darryl

From: Manibusan, Mary <Manibusan.Mary@epa.gov>

Sent: Wednesday, June 17, 2020 8:30 AM

To: Adams, Darryl <Adams.Darryl@epa.gov>; Rivera, Reiniero <Rivera.Reiniero@epa.gov>

Subject: RE: FR and Desk Officer review of FRL# 10010-52-Region 6, RECEIVED in OP for Approval for Signature (OEX) - 'TX RH BART FIP Reproposal' (6979)

Sounds good.

From: Adams, Darryl <Adams.Darryl@epa.gov>

Sent: Wednesday, June 17, 2020 8:18 AM

To: Rivera, Reiniero <Rivera.Reiniero@epa.gov>

Cc: Manibusan, Mary <Manibusan.Mary@epa.gov>

Subject: RE: FR and Desk Officer review of FRL# 10010-52-Region 6, RECEIVED in OP for Approval for Signature (OEX) - 'TX RH BART FIP Reproposal' (6979)

Fine by me. Thanks Rey.

From: Rivera, Reiniero <Rivera.Reiniero@epa.gov>

Sent: Wednesday, June 17, 2020 8:17 AM

To: Adams, Darryl <Adams.Darryl@epa.gov>

Cc: Manibusan, Mary <Manibusan.Mary@epa.gov>

Subject: RE: FR and Desk Officer review of FRL# 10010-52-Region 6, RECEIVED in OP for Approval for Signature (OEX) - 'TX RH BART FIP Reproposal' (6979)

Darryl - If it's ok with **Mary**, I'm ok with you shepherding the action to its finalization.

Thank you for your help... much appreciated.

From: Adams, Darryl

Sent: Wednesday, June 17, 2020 8:00 AM

To: Nickerson, William <Nickerson.William@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>; Corrales, Mark <Corrales.Mark@epa.gov>; Manibusan, Mary <manibusan.mary@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>; Kramer, Melissa <Kramer.Melissa@epa.gov>; Pritchard, Eileen <Pritchard.Eileen@epa.gov>; Auther, Larry <Auther.Larry@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>

Cc: Mcquilkin, Wendy <Mcquilkin.Wendy@epa.gov>; Medina, Dayana <Medina.Dayana@epa.gov>; Miles-McLean, Stuart <Miles-McLean.Stuart@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Young, Carl <young.carl@epa.gov>; Rivera, Reiniero <Rivera.Reiniero@epa.gov>

Subject: RECEIVED in OP for Approval for Signature (OEX) - 'TX RH BART FIP Reproposal' (6979)

Today, OP received R06's 'TX RH BART FIP Reproposal' (6979). This tier 3 Final is in OP for approval to transmit to OEX for Administrator's Signature. This is an Expedited review. ADP Tracker has been updated.

Darryl Adams

Regulatory Management Division

Office of Policy, U.S. EPA

202 564-6569

Mail Code 1803A, Room 3512D WJC North